

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMENDMENT NO.** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**AMEND Senate Bill No. 39**

**House Bill No. 26\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 6, Part 1, is amended by adding the following new section:

36-6-107. (a) Unless otherwise agreed in a prior order, if the custodial parent or the parent with whom the child spends more than half of his or her time intends to move with the child, either out of state within the United States or more than one hundred (100) miles within the state, such parent shall provide written notice of such intent by registered or certified mail to the other parent not less than thirty (30) days before such move. Such notification shall include a proposal for a revised visitation schedule. If the parties agree, they shall submit an agreed order to the court. If the parties do not agree, the noncustodial parent may file a petition with the court. The court shall immediately order mediation or other alternative dispute resolution procedure pursuant to Supreme Court Rule 31, unless just cause is shown.

(b) If, through mediation or other Rule 31 procedure, the parties do not resolve the issue within a ten (10) day period, unless otherwise agreed by the parties, the court shall hold a hearing.

(c) If the noncustodial parent opposing the move shows that the move is vindictive, the court shall change custody of the child to the noncustodial parent if the custodial parent elects to proceed with the move and the noncustodial parent is a fit and proper person to have custody of the child.

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(d)(1) If the noncustodial parent shows that the move would pose a specific, serious threat of harm to the child, the court may change the custody of the child to the noncustodial parent if the custodial parent elects to proceed with the move.

(2) "Specific, serious threat of harm" means a danger to the child's physical, mental or emotional well-being, but does not include normal consequences of the removal itself.

(e) In making a determination regarding visitation under this section, the court shall consider the availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent. The court shall also consider the cost of additional transportation for the alternative arrangements and equitably allocate such cost between the parties.

(f) After January 1, 1998, each custody order or parenting plan shall contain a mechanism for resolving a dispute in the event of the relocation of the parent with custody or the primary residential parent, as appropriate.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

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